

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO.: 1200
DELEGATION NO.: 12-3-A**

DELEGATION OF AUTHORITY

DATE: 4-10-2017

TOXIC SUBSTANCES CONTROL ACT

12-3-A. Civil Judicial Enforcement Actions, Including Collection Actions

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 12-3-A issued by EPA Headquarters on January 18, 2017.

B. Authority.

- a. To request the Attorney General (AG) to appear and represent the Agency in any civil judicial enforcement action and to intervene in any civil enforcement action instituted under the Toxic Substances Control Act (TSCA), including an action to collect unpaid penalties.
- b. To request the AG to decline to prosecute a previously referred civil judicial enforcement action, or to cease prosecution of a previously filed enforcement action.

2. TO WHOM REDELEGATED.

A. The Director, Office of Environmental Stewardship (OES) may exercise the authorities in 1.B.a. and 1.B.b.

3. REDELEGATION AUTHORITY.

A. The authorities in 1.B.a. and 1.B.b. may be redelegated to the Branch Chief level, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OES, or his/her designee, must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the action before exercising the authorities in 1.B.a. and 1.B.b. The Manager, Legal Enforcement Office, OES, or his/her designee, may waive concurrence in writing.

B. The Director, OES must notify the Regional Administrator (RA) and the Assistant

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Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) prior to exercising the authority in 1.B.b. and when exercising the authority in 1.B.a. The AA for OECA may waive the notification in writing.

C. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

D. The AA for OECA must notify the appropriate RA prior to exercising the authorities in 1.B.a. through 1.B.c., as stated in EPA HQ Delegation, dated January 18, 2017.

E. Any exercise of the appeal authority will be done jointly by the General Counsel and the AA for OECA. Either office may waive joint exercise of authority to appeal by memorandum.

5. ADDITIONAL REFERENCES.


A. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).

B. Sections 16, 17, and 20 of the TSCA.

C. See the Chapter 12 delegation entitled *Emergency TROs* for the Director, OES' authority to make direct referrals of requests for emergency TSCA Temporary Restraining Orders.

D. For imminent hazard actions under Section 7 of TSCA, see the Chapter 12 delegation entitled *Imminent Hazard Actions*.

6. SUPERSESSION. None.


Deborah A. Szaro
Acting Regional Administrator

4/10/17
Date